

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2003-626

November 13, 2003

MAINE PUBLIC UTILITIES COMMISSION  
Repeal of Chapter 37, Energy Conservation  
Adjustment for Electric Utilities

ORDER REPEALING  
RULE

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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**I. SUMMARY**

In this Order we repeal Chapter 37 of the Commission's Rules (65-407 CMR 22), Energy Conservation Adjustment for Electric Utilities.

**II. BACKGROUND**

The purpose of this rule originally was to provide a mechanism for electric utilities to adjust rates to recover the reasonable incremental costs associated with implementing energy conservation techniques or innovations, to the extent these costs are not already reflected in the utility's existing rates.

On September 4, 2003, the Commission issued an Order Commencing Rulemaking Repeal since transmission and distribution (T&D) utilities are no longer administering conservation programs.

We notified and sought comments from all transmission and distribution utilities in the State and from those interested in the Commission's notice of rulemakings.

We received written comments from Central Maine Power Company (CMP) on October 15, 2003. CMP concurs that T&Ds will generally not be administering energy conservation programs. They also note that 35-A M.R.S.A. § 3211-A, subsection 9 requires that conservation assessments be included in rates, so there does not appear to be a need for the procedures set forth in Chapter 37.

Therefore we will repeal Chapter 37 as we proposed on September 4, 2003. Accordingly, we

**O R D E R**

1. That Chapter 37, Energy Conservation Adjustment for Electric Utilities is repealed;
2. That the Administrative Director send copies of this Order to:

The Secretary of State for publication in accordance with 5 M.R.S.A. §§ 8053(5) and 8056(D);

Executive Director of the Legislative Council, State House Station 115, Augusta, Maine 04333 (20 copies); and

2. That the Administrative Director send notice of this order to:

All transmission and distribution utilities in the State;

All persons having filed with the Commission within the past year a written request for Notice of Rulemaking.

Dated at Augusta, Maine, this 13<sup>th</sup> day of November, 2003.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond  
   Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.